

Regular Session Minutes

March 14, 2007

Members Present: Barry Kaplan, D.P.M., Board President
Joseph Leonetti, D.P.M., Member
Dedrie Polakof, D.P.M., Member
Jeanne Reagan, Secretary-Treasurer
Gloria Lederman, Public Representative

Staff: Linda Wells, Executive Director

Assist. Atty. Gen'l. Ann Froedge

CALL TO ORDER

The regularly scheduled meeting of the Arizona State Board of Podiatry Examiners was called to order at 8:30 a.m. Dr. Kaplan presiding.

APPROVAL OF MINUTES

A. REGULAR SESSION MEETING MINUTES OF FEBRUARY 14, 2007

Ms. Reagan moved to approve the February 14, 2007 regular session meeting minutes. Dr. Polakof seconded. The motion passed 5-0.

B. EXECUTIVE SESSION MEETING MINUTES OF FEBRUARY 14, 2007

Ms. Reagan moved to approve the February 14, 2007 regular session meeting minutes. Dr. Polakof seconded. The motion passed 5-0.

COMPLAINTS BEFORE THE BOARD FOR FIRST TIME

07-02-C AMRAM DAHUKEY

The Board is in receipt of a complaint filed against Amram Dahukey, DPM initiated by his patient, M.M. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges non-receipt of his medical records from Dr. Dahukey following written authorization. The complainant alleges his request was for the doctor to forward

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his medical records to a government agency, and his request has gone unanswered for several months.

Following discussion, the Board tabled the complaint for further investigation. A letter will be sent to Dr. Dahukey requesting his response and action taken if any regarding the patient's request for his records.

07-04-C KEVIN J. O'BRIEN

The Board is in receipt of a complaint filed against Kevin J. O'Brien, DPM initiated by his patient, A.G. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment following surgery to remove a bone spur and bunion from her left foot.

Following discussion, the Board tabled the complaint for further investigation. The Board requested a subpoena be issued to a second treating physician for copies of the patient medical records.

07-05-C AMRAM DAHUKEY

The Board is in receipt of a complaint filed against Amram Dahukey, DPM initiated by his patient, T.G. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment of infected cuts on the heels of both feet.

Following discussion, Ms. Lederman moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Dr. Polakof seconded. The motion passed 5-0.

The Board based their decision to dismiss the complaint following review of the complete patient medical record. The Board concluded that the quality of care and treatment rendered to the patient was within the standard of care.

07-06-C RYAN GOLUB

The Board is in receipt of a complaint filed against Ryan Golub, DPM initiated by the daughter of his patient, L.M. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

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The complainant alleges unethical business practices i.e., Dr. Golub fraudulently used the patient's social security number to get paid by Medicare. The complainant alleges that her mother has not been seen as a patient by Dr. Golub for three years.

Following discussion, Dr. Leonetti moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of podiatry. Ms. Lederman seconded. The motion passed 5-0.

The Board based their decision to dismiss following review of the complete patient medical records. The Board concluded that Dr. Golub investigated the billing and found there was an error, and took steps to correct it.

07-07-C STEPHEN L. BARRETT

The Board is in receipt of a complaint filed against Stephen L. Barrett, DPM initiated by his patient, P.R. The Board is also in receipt of the doctor's written response, and the complete patient medical records.

The complainant alleges practice below the standard of care and treatment, i.e., Dr. Barrett performed a surgery that was not medically necessary, and tests were not performed to determine necessity. The complainant also alleges that Dr. Barrett was not qualified to perform the surgery.

Following discussion, the Board tabled the complaint and moved to hold an investigative interview with Dr. Barrett pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

OPEN COMPLAINTS

05-27-M ELAINE J. SHAPIRO

At a previous meeting, the Board tabled the malpractice complaint filed against Elaine J. Shapiro, DPM until final disposition is reached in Superior Court. The complaint was filed in the Pima County Superior Court by plaintiff, Carrie Marshall. The Board requested a monthly update on the status of the pending matter from Dr. Shapiro.

The plaintiff alleges negligent care, and as a result incurred lost wages and medical expenses in the past, and expects to incur further such losses in the future.

The Board is in receipt of a letter from Attorney, Bruce C. Smith informing them of the scheduled trial date.

The complaint is tabled until final resolution is reached at the superior court.

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05-36-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson pending the Board's order that he undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges unprofessional conduct, and excessive billing, i.e. Dr. Thompson received payment twice for services rendered, and billed an excessive fee.

Ms. Wells reported that Dr. Thompson and his attorney received notice on January 27, 2007 of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and schedule an appointment for an evaluation, but as of the March meeting date, Dr. Thompson has not called to schedule the appointment.

Following discussion, the Board tabled the complaint and requested that Ms. Wells make inquiry to determine if Dr. Thompson still has legal representation and if so, inform Dr. Thompson and his attorney that the Board is considering a possible summary suspension.

06-03-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM pending the Board's order that he undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges practice below the standard of care and treatment, i.e. excessive length of time spent for an office visit, and billing an excessive fee.

Ms. Wells reported that Dr. Thompson and his attorney received notice on January 27, 2007 of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and schedule an appointment for an evaluation, but as of the March meeting date, Dr. Thompson has not called to schedule the appointment.

Following discussion, the Board tabled the complaint and requested that Ms. Wells make inquiry to determine if Dr. Thompson still has legal representation and if so, inform Dr. Thompson and his attorney that the Board is considering a possible summary suspension.

06-04-C ALAN GAVECK

At a previous meeting, the Board tabled the complaint filed against Alan Gaveck, DPM and moved to hold an Informal Interview with him pursuant to §A.R.S. 32-852.01(D) based on a possible violation of A.R.S. §32-854.01(9), (20).

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The complainant alleges practice below the standard of care and treatment rendered by Dr. Gaveck following surgery for a dislocated toe and torn cartilage that resulted in the toe being amputated.

The complaint is tabled pending the Informal Interview on April 11, 2007.

06-11-C GEORGE N. THOMPSON

At a previous meeting, the Board moved to table the complaint and Investigative Interview with Dr. Thompson pending the Board's order that he undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges excessive length of time spent for the initial office visit, and unsanitary office conditions.

Ms. Wells reported that Dr. Thompson and his attorney received notice on January 27, 2007 of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and schedule an appointment for an evaluation, but as of the March meeting date, Dr. Thompson has not called to schedule the appointment.

Following discussion, the Board tabled the complaint and requested that Ms. Wells make inquiry to determine if Dr. Thompson still has legal representation and if so, inform Dr. Thompson and his attorney that the Board is considering a possible summary suspension.

06-22-M ANDREW LOWY

At a previous meeting, the Board tabled the complaint filed against Andrew Lowy, DPM until a final disposition is reached in Superior Court. The complaint originated in the Maricopa County Superior Court by plaintiff, Barbara Rubin and was reported by Dr. Lowy on his license renewal application. The Board requested a quarterly update on the status of the case as it proceeds through the court to its final resolution.

The plaintiff alleges practice below the standard of care and treatment rendered by Dr. Lowy following surgery to remove a neuroma.

The Board is in receipt of a letter from Attorney, Bruce D. Crawford informing them that discovery is ongoing, and a trial date has not been set.

The complaint is tabled until there is final disposition of the case in superior court.

06-28-C GEORGE N. THOMPSON

At a previous meeting, the Board tabled the complaint filed against George N. Thompson, DPM for further investigation. The Board ordered that Dr. Thompson

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undergo an independent psychiatric evaluation by a psychiatrist of the Board's choice pursuant to A.R.S. §32-852.01(F).

The complainant alleges practice below the standard of care and treatment regarding her foot ailments, i.e. Dr. Thompson discussed issues not relevant to her foot conditions, and asked inappropriate questions relating to her deceased husband.

Ms. Wells reported that Dr. Thompson and his attorney received notice on January 27, 2007 of the name, phone number and address of the psychiatrist in which Dr. Thompson is to call and schedule an appointment for an evaluation, but as of the March meeting date, Dr. Thompson has not called to schedule the appointment.

Following discussion, the Board tabled the complaint and requested that Ms. Wells make inquiry to determine if Dr. Thompson still has legal representation and if so, inform Dr. Thompson and his attorney that the Board is considering summary suspension.

06-29-C MICHAEL DERSHOWITZ

At a previous meeting, the Board tabled the complaint filed against Michael Dershowitz, DPM initiated by his patient, A.S. and moved to hold an Investigative Interview with him pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges that he was misled by Dr. Dershowitz and his staff regarding health insurance coverage for a neuropathy procedure he wanted the doctor to perform. The complainant alleges he changed health insurance companies as recommended by the doctor's office staff in an attempt to get coverage for the surgical procedure. When he presented his new insurance to the office, he was told that the procedure would still not be covered. The complainant alleges he paid out-of-pocket expenses for two office visits.

The complaint is tabled pending the Investigative Interview scheduled to be held on April 11, 2007.

06-30-C LOREN WESSEL

At a previous meeting, the Board tabled the complaint filed against Loren Wessel, DPM initiated by his patient, H.F. and moved to hold an investigative interview with Dr. Wessel pursuant to A.R.S. § 32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Wessel following bunion surgery. She also alleges that Dr. Wessel has not released her pre-operative x-rays upon request.

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Ms. Wells informed the Board that the investigative interview is scheduled to take place on May 9, 2007.

06-31-C ELAINE J. SHAPIRO

At a previous meeting, the Board tabled the complaint filed against Elaine J. Shapiro, DPM initiated by her patient, H.F. and moved to hold an investigative interview with Dr. Shapiro pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Shapiro following surgery to remove and insert new screws from an initial surgery performed by another podiatrist. The complainant alleges that she continues to have pain and swelling as a result of the surgery.

Ms. Wells informed the Board that the investigative interview is scheduled to take place on May 9, 2007.

06-32-C BRANDON KIM

At a previous meeting, the Board held an Investigative Interview with Brandon Kim, DPM pursuant to A.R.S. §32-852.01(A) based on a possible violation of A.R.S. §32-854.01. Following the interview, the Board tabled the complaint and requested that Dr. Kim provide the patient's complete medical record including all surgical consent forms and billing records.

The complainant alleges practice below the standard of care and treatment rendered by Dr. Kim following surgery on her left foot to reduce painful joints.

The Board is in receipt of the patient medical records from Dr. Kim.

The complaint is tabled pending the Board's review of the records.

PROBATIONARY STATUS REPORTS

05-02-C ROBERT FRIDRICH

Dr. Fridrich is currently on probation for a violation of the Arizona Revised Statutes governing the practice of podiatry. Patient surgical records are monitored monthly for compliance with a signed Consent Agreement and Order. At a previous meeting, the Board denied a request by Dr. Fridrich to end his six month probationary period based on the monthly review of his patient surgical charts during the course of his probationary period. The Board will offer Dr. Fridrich an Amended Consent Agreement and Order that will extend his probationary period another six months with new terms.

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The Board is in receipt of a signed Amended Consent Agreement and Order.

Dr. Kaplan moved to accept the Amended Consent Agreement and Order. Ms. Lederman seconded. The motion passed 5-0.

05-19-M MICHAEL DERSHOWITZ

Dr. Dershowitz is currently on probation for a violation of the Arizona Revised Statutes governing the practice of podiatry. Patient surgical records are monitored monthly for compliance with a signed Consent Agreement and Order.

Dr. Polakof reported review of four (4) patient charts from the doctor's January, 2007 surgical report that were incomplete, i.e. no post-operative x-rays. A letter will be sent to Dr. Dershowitz requesting complete patient medical records including x-rays.

EXECUTIVE DIRECTOR'S REPORT

A. Review of February, 2007 Revenue and Expenditure Report

The Board reviewed the February, 2007 Revenue and Expenditure Report.

DISCUSSION RE: COMPLAINT INVESTIGATOR CANDIDATES

A. Victoria L. Kamm

Victoria L. Kamm was present at the March meeting. Ms. Kamm was interviewed by the Board as a candidate for a possible contracted complaint investigator on cases where the Board may need an investigator.

SUBSTANTIVE REVIEW & APPROVAL OF THE FOLLOWING APPLICANTS FOR ARIZONA LICENSURE:

Dr. Kaplan moved to approve the following applicants to sit for the oral examination to be conducted on June 5, 2007:

1. Arnold Gross
2. Travis Jensen

Ms. Lederman seconded. The motion passed 5-0.

CALL TO THE PUBLIC

No public comment was received.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 10:05 a.m.

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Respectfully submitted,

Linda A. Wells
Executive Director

APPROVED:

Barry Kaplan, DPM
Board President